UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,293	11/26/2003	David O. Skura	11440	5559

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JAMES M. STOVER
TERADATA CORPORATION
2835 MIAMI VILLAGE DRIVE
MIAMISBURG, OH 45342

EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _21 July 2008_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-14_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-14_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This action is responsive to amendment filed on July 21, 2008, where applicant amended claims 1,8, and cancelled claims 15-20. Claims 1-14 are pending.

Response to Arguments

2.   The previous rejection of claim 8 under 101 is withdrawn in view of amendment.

3.   Applicant's arguments filed 7/21/08 have been fully considered but they are not persuasive.

4.   Applicant argues that Parsons does not teach the amended limitations, and that Parsons is related to freezing a session and not terminating the session.

   In reply, Firstly, claim 1 does not identify that the first session is terminated, rather the claim language on lines 7-8 state: *"after the first transaction… has terminated"*. This clearly identifies the transaction as terminated and not the session. Parsons actually does teach this because Parsons discloses completing tasks (i.e. *terminating transactions*) by a user (column 12 lines 30-45).

   However, Parsons was only relied upon to teach *"entity elects an option to save"*.

   Secondly, Parsons was not relied upon to teach the limitations *"identifying…"*. Rather, Wu was relied upon for this because Wu discloses first sessions that terminate and also discloses subsequent sessions (Wu, ¶s 49-50).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 1-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US**

Patent Publication No 2004/0068572) in view of Parsons et al (US Patent No 6,349,337).

7.   In reference to claim 1, Wu teaches a method for managing a preference, comprising:

receiving a preference over a network associated with an entity during a first transaction

with a service; (¶ 44 and 51)

storing the preference in a data store with the identifier and associating it with the entity

(¶ 52)

identifying a second transaction made by the entity for the service after the first

transaction associated with a first session between the entity and the service has terminated

normally, abnormally, or via defined events (¶ 49 lines 7-11, and ¶ 50);

installing the preference on a computing device of the entity (¶53); and

activating the service, wherein the service automatically uses the preference from the

computing device of the entity (¶ 53 & 54).

Wu teaches automatically saving session parameters (i.e. preferences) associated with a

client (i.e. entity). Wu fails to explicitly teach wherein the entity directly identifies the

preference during that first transaction where the entity elects an option to save the preference

and provides an identifier for the preference that is being saved. However, Parsons teaches a user

electing to freeze a current session (column 12 lines 39-40) and where the identifier for that

session was provided by the user as pert of the session startup (column 9 lines 37-33). Parson

teaches this for the purpose of enabling a user to dynamically reconnect to a session when the

user is using a client different from an originally used client (column 2 lines 60-64). It would

have been obvious for one of ordinary skill in the art to modify Wu wherein the entity directly

identifies the preference during that first transaction where the entity elects an option to save the

preference and provides an identifier for the preference that is being saved as per the teachings of

Parsons for the purpose of enabling a user to dynamically reconnect to a session when the user is

using a client different from an originally used client.

8.   In reference to claim 2, Wu teaches the method of claim 1 wherein the installing further

includes creating a cookie within a browser, wherein the cookie includes the preference and the

service consumes the cookie to acquire the preference (¶55 & 58).

9.   In reference to claim 3, Wu teaches the method of claim 1 wherein the receiving further

includes identifying the preference as a search query that is processed by the service (¶54 & 55).

10.   In reference to claim 4, Wu teaches the method of claim 1. Wu fails to explicitly teach

wherein the storing further includes storing the preference in an Extensible Markup Language

(XML) data format within the data store. However, "Official Notice" is taken that XML data

format is old and well known in the art, and that it would have been obvious for one of ordinary

skill in the art to modify Wu wherein the storing further includes storing the preference in an

Extensible Markup Language (XML) data format within the data store because XML is a well

known markup language with benefits such as facilitating the sharing of the structured data

across different information systems.

11.   In reference to claim 5, Wu teaches the method of claim 4. Wu fails to explicitly teach

wherein the installing further includes installing the preference in an XML format on the

computing device. However, "Official Notice" is taken that XML data format is old and well

known in the art, and that it would have been obvious for one of ordinary skill in the art to

modify Wu wherein the installing further includes installing the preference in an XML format on

the computing device because XML is a well known markup language with benefits such as

facilitating the sharing of the structured data across different information systems.

12.   In reference to claim 6, Wu teaches the method of claim 1 wherein the identifying further

includes detecting a login as the second transaction from the entity to the service and performing

the installing immediately after the login is successful (¶53 & 54).

13.   In reference to claim 7, Wu teaches the method of claim 1 wherein the processing of the

method acts as a front-end interface to the service (¶48-50).

14.   In reference to claims 8-14, these are system claims that correspond to the method claims

of claims 1-7. Therefore, claims 8-14 are rejected based upon the same rationale as given for

claims 1-7 above.

Conclusion

15.   The above rejections are based upon the broadest reasonable interpretation of the claims.
Applicant is advised that the specified citations of the relied upon prior art, in the above
rejections, are only representative of the teachings of the prior art, and that any other supportive
sections within the entirety of the reference (including any figures, incorporation by references,
claims and/or priority documents) is implied as being applied to teach the scope of the claims.

16.   Applicant may not introduce any new matter to the claims or to the specification. For any
subsequent response that contains new/amended claims, Applicant is required to cite its
corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter
2163.04 section (I.) and chapter 2163.06)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/   September 30, 2008
Examiner, Art Unit 2157